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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NATHALIE MARIE ALENSKI,

Plaintiff,

-against-

ORDER

CV-03-2179(SJF)(MLO)

JOHN E. POTTER, Postmaster General of
the United States,

Defendant.

X

FEUERSTEIN, J.

On May 6, 2003, plaintiff Nathalie Marie Alenski (plaintiff) commenced this employment discrimination action against John E. Potter, Postmaster General of the United States (defendant), alleging violations of the Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub. L. No. 102-166). By orders dated October 28, 2004 and December 15, 2004, I referred the parties' respective motions for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure to Magistrate Judge Michael L. Orenstein for a report and recommendation in accordance with 28 U.S.C. § 636(b). On February 18, 2005, Magistrate Judge Orenstein issued a Report and Recommendation (the Report) recommending that defendant's motion be granted and plaintiff's cross motion be denied. No objections have been filed to the Report. For the reasons stated herein, the Court adopts Magistrate Judge Orenstein's Report in its entirety.


I

Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). The district judge is not required to review the factual or legal conclusions of the magistrate judge as to which no objections are taken. See, Townsend v. Strack, 98 CV 5338, 2002 WL 32096572 (E.D.N.Y. May 7, 2002). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See, Fed. R. Civ. P. 72(b); In re Health Management Systems, Inc. Securities Litigation, 82 F.Supp.2d 227, 230 (S.D.N.Y. 2000); Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985).

II

Plaintiff has not filed any objections to Magistrate Judge Orenstein's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court affirms and adopts Magistrate Judge Orenstein's Report as an Order of the Court. Defendant's motion for summary judgment is granted and the complaint is dismissed, and plaintiff's cross motion for summary judgment is denied. The clerk of the court is directed to close this case.

SO ORDERED.


SANDRA J. FEUERSTEIN
United States District Judge

Dated: May 18, 2005
Central Islip, New York

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